

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Philippe Boye
Serial No. : 09/367,019
Filed : August 5, 1999
For : COMPOSITE TEXTILE MATERIAL FOR PROTECTING
THE HUMAN BODY AGAINST HEAT
Examiner : Not Assigned
Group Art Unit : 5611

Assistant Commissioner for Patents
Washington, D.C. 20231

Attn: Box Missing Parts

"Express Mail" mailing label No. FL077034283US

Date of Deposit: October 14, 1999

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United States Postal Service "Express Mail Post Office to
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Washington, D.C. 20231

Name:

GREGORY A. ANTOINE

Signature:

Gregory A. Antoine

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C.
371 in the United States Designated/Elected Office ("the Notification"), mailed
September 28, 1999, Applicant encloses the following herewith:

1. A copy of the Notification;
2. An executed French/English language Declaration and Power of
Attorney;
3. Translation of the application into English with translator's executed
Declaration;

4. An executed Verified Statement Claiming Small Entity Status (Small Business Concern); and


5. An Amster, Rothstein & Ebenstein check to cover the Small Entity surcharge fee of \$65.00 (37 C.F.R. 1.492(e)) and processing fee of \$130.00 (37 C.F.R. 1.492(f)) for submitting the English translation later than 30 months after the priority date.

The U.S. Patent Office is hereby authorized to charge any deficiencies or credit any overpayment of the enclosed fees to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN
Attorneys for Applicants
90 Park Avenue
New York, New York 10016
(212) 697-5995

Dated: New York, New York
October 14, 1999

By: 
John C. Garces
Registration No. 40,616

AMSTER, ROTHSTEIN & EBENSTEIN

ATTORNEYS AT LAW

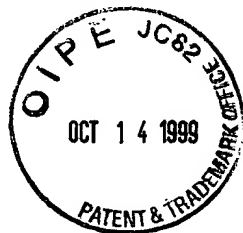
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*NOT ADMITTED IN NEW YORK

October 14, 1999

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Washington, D.C. 20231

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Date of Deposit: October 14, 1999

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indicated above and is addressed to the Commissioner of
Patents and Trademarks, Washington, D.C. 20231.

Name: GREGORY A. ANTOINESignature: Gregory A. Antoine

Re: U.S. Patent Application Serial No. 09/367,019
Based on Int'l Application No.: PCT/FR98/00197
Title: COMPOSITE TEXTILE MATERIAL FOR PROTECTING
THE HUMAN BODY AGAINST HEAT
Inventor: Philippe Boye
Our File: 10350/168

Dear Sir:

Enclosed please find:

1. A response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office;
2. An executed Assignment, Recordation Cover Sheet and check in the amount of \$40.00.

10/21/1999 PVOLPE 00000075 09367019

01 FC:156
02 FC:254

130.00 OP
65.00 OP

Honorable Commissioner of Patents
and Trademarks


-2-

October 14, 1999

Please charge any outstanding amount or credit any overpayment of the fees required for filing this Application to Deposit Account No. 01-1785. A duplicate copy of this letter is enclosed. Please also acknowledge receipt of the enclosed documents by stamping the enclosed postcard and returning the same to us.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN
Attorneys for Applicant
90 Park Avenue
New York, New York 10016
(212) 697-5995

By 
John C. Garces
Registration No. 40,616

Dated: October 14, 1999

MJB/JCG/ja
Encls.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 1999

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.**TOTAL AMOUNT OF PAYMENT (\$)** 235.00**Complete if Known**

Application Number	09/367,019
Filing Date	February 4, 1998
First Named Inventor	Philippe Boye
Examiner Name	not assigned
Group / Art Unit	5611
Attorney Docket No.	10350/168

METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

01-1785

Deposit
Account
Name

Amster Rothstein & Ebenstein

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR §§ 1.16 and 1.17

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 760	201 380	Utility filing fee	
106 310	206 155	Design filing fee	
107 480	207 240	Plant filing fee	
108 760	208 380	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
-20**	X		
-3**	X		
Multiple Dependent			

**or number previously paid, if greater; For Reissues, see below

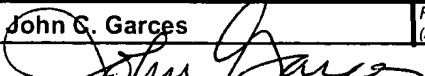
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 78	202 39	Independent claims in excess of 3	
104 260	204 130	Multiple dependent claim, if not paid	
109 78	209 39	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	65.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet.	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 380	216 190	Extension for reply within second month	
117 870	217 435	Extension for reply within third month	
118 1,360	218 680	Extension for reply within fourth month	
128 1,850	228 925	Extension for reply within fifth month	
119 300	219 150	Notice of Appeal	
120 300	220 150	Filing a brief in support of an appeal	
121 260	221 130	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,210	241 605	Petition to revive - unintentional	
142 1,210	242 605	Utility issue fee (or reissue)	
143 430	243 215	Design issue fee	
144 580	244 290	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 760	246 380	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 760	249 380	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) processing fee for translator			130.00
Other fee (specify) Recordation Form			40.00

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 235.00**SUBMITTED BY**

Name (Print/Type)	John C. Garces	Registration No. (Attorney/Agent)	40,616	Telephone	212-697-5995
Signature		Date	10/14/99		

Complete (if applicable)

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

09/367019

09/367019

U.S. APPLICATION NO.



BOYE

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

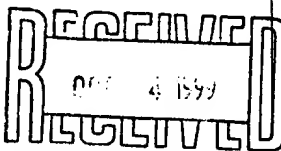
FIRST NAMED APPLICANT

ATTY. DOCKET NO. / 168

10350/168

AMSTER ROTHSTEIN & EBENSTEIN
90 PARK AVENUE
NEW YORK NY 10016

5611

INTERNATIONAL APPLICATION NO.
PCT/EP98/00197

I.A. FILING DATE

02/04/98

PRIORITY DATE

02/06/97

09/28/99

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

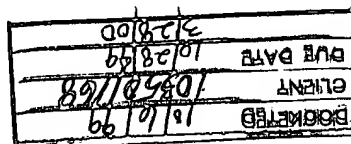
1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☐ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.☒ Copy of the international application in:

- ☒ a non-English language.
☐ English.

- ☐ Translation of the international application into English.
☐ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☐ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Statement Claiming Small Entity Status.
☐ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☒ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3661